

City of Lee's Summit

Development Services Department

November 10, 2017

TO: Planning Commission
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services
PREPARED BY: Christina Stanton, AICP, Senior Planner
RE: **Appl. #PL2017-210 – VACATION OF EASEMENT – 2821 NE Independence Ave.; LSMOB Owner, LLC, applicant**

Commentary

The applicant proposes to vacate all of the 15 foot wide utility easement located across part of Lots 17 and 18, *I-470 Business and Technology Center, Lots 1-22 and Tracts A & B*. The easement conflicts with the location of a proposed 2-story, 84,664 square foot surgical center.

Recommendation

Staff recommends **APPROVAL** of the vacation of easement.

Zoning and Land Use Information

Location: 2801 NE Independence Ave.

Zoning: PMIX (Planned Mixed Use)

Surrounding Zoning and Use:

North (across NE Jones Industrial Dr.): PMIX — Frontier Justice

South: PMIX—Vacant undeveloped property

East (across NE McBaine Dr.): PMIX — Sky Zone

Wes (across NE Independence Ave.): PMIX — f'real

Project Information

Current Use: vacant undeveloped lot

Proposed Use: surgical center

Vacation of Easement: all of a 15' wide x 101' long utility easement on lots 17 and 18

Unified Development Ordinance

Applicable Section(s)	Description
4.480, 4.490	Vacation of Easement

Process

Procedure: The Planning Commission makes a recommendation to the City Council on the vacation of easement. The City Council takes final action on the vacation of easement in the form of an ordinance.

Duration of Validity: Approval of the vacation of easement does not expire unless stated in the approval.

Background

- January 10, 2006 – The Planning Commission approved a preliminary plat (Appl. #2005-078) for *I-470 Business and Technology Center*.
- March 2, 2006 – The City Council approved a rezoning (Appl. #2005-077) from PI-2 (Planned Heavy Industrial) to PMIX (Planned Mixed Use) for *I-470 Business and Technology Center* by Ord. #6144.
- July 6, 2006 – The City Council approved a final plat (Appl. #2006-072) for *I-470 Business and Technology Center, Lots 1-22 and Tracts A & B* by Ord. #6209. The plat was recorded at the Jackson County Recorder of Deeds Office on August 9, 2006, by Instrument #2006E0072560. The ordinance was recorded the same date by Instrument #2006E0072558.

Analysis of Vacation of Easement

The applicant proposes to vacate all of the 15 foot wide x 101 foot long utility easement located across part of Lots 17 and 18, *I-470 Business and Technology Center, Lots 1-22 and Tracts A & B*. The easement conflicts with the location of a proposed 2-story, 84,664 square foot surgical center.

Letters were sent to the utility companies (KCP&L, Spire, AT&T, Spectrum Cable, and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. No objections were received to the proposed vacation of easement.

Code and Ordinance Requirements

The items in the box below are specific to this development and must be satisfactorily addressed in order to bring it into compliance with the Codes and Ordinances of the City.

Planning

1. The vacation of easement shall be recorded prior to the issuance of a building permit on the subject property. A copy of the recorded document shall be provided to the Development Services Department.

Attachments:

1. Legal description and drawing of easement to be vacated, date stamped September 22, 2017 – 2 pages
2. Zoomed-in copy of *I-470 Business and Technology Center, Lots 1-22 and Tracts A & B* indicating location of easement to be vacated – 1 page
3. Reduced copy of *I-470 Business and Technology Center, Lots 1-22 and Tracts A & B* – 1 page
4. Location Map